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September 15, 2014

Via ECF

Hon. Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Tiwona Joseph v. Detective Samuel Lallave, et al.,
13-cv-7051 (KAM)(RLM)

Dear Judge Mann:

I am a senior counsel in the New York City Law Department, representing the defendants in this matter. I am writing, pursuant to the Court's Order, dated September 12, 2014, to provide a status report relating to production of the officer disciplinary files in this matter and to request a Court Order for production of these files, in the form attached hereto. On September 12, the Court ordered that all relevant Civilian Complaint Review Board ("CCRB") files for the defendant officers, dating from ten (10) years prior to the date of the incident in this case and post-dating the incident, be produced by September 22, 2014. The Court further ordered that all relevant Internal Affairs Bureau ("IAB") files for the defendant officers, dating from ten (10) years prior to the date of the incident in this case and post-dating the incident, be produced by September 30, 2014.

The undersigned has notified CCRB that the requested files are needed no later than September 22, 2014. With respect to the IAB files, the relevant files are maintained by different groups within IAB. Since Friday's conference with the Court was completed at 4:30 pm, I have not been unable to reach all these groups to notify them of the Court's Order, but am attempting to contact the various groups again today. As discussed at Friday's conference, a court order, in the form attached hereto, will assist with obtaining all the relevant files by the Court-imposed deadlines. Accordingly, defendants respectfully request that the Court endorse the proposed court order attached hereto as Exhibit A.

Moreover, during the September 12, 2014 conference, the Court ordered production of disciplinary files relating to allegations of excessive use of force and relating to allegations of

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missing property. As noted at the conference, defendants had previously objected to production of these files on the grounds that they did not relate to the allegations being made in this action, and had not previously requested files relating to such allegations from CCRB or IAB. Since the files relating to these specific allegations are only being requested by defense counsel now for the first time, defendants respectfully request that files relating to these allegations (i.e., excessive force, missing property) be produced by October 10, 2014, although defendants will make every effort to produce these files by September 30, along with the other relevant IAB files, as well. Plaintiff's counsel consents to this request.

I thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Ben Kuruvilla

Ben Kuruvilla

Enclosure

cc: Baree N. Fett, Esq. (ECF)
Attorneys for Plaintiff

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIWONA JOSEPH,

Plaintiff,

-against-

DETECTIVE SAMUEL LALLAVE,
SERGEANT ROBERT MALONEY AND
DETECTIVE EDWIN SINCLAIR

Defendants.

----- X

[PROPOSED] ORDER

13-CV-7051 (KAM)(RLM)

ROANNE L. MANN, United States Magistrate Judge.

IT IS HEREBY ORDERED: 1) that all Internal Affairs Bureau investigatory files related to the defendant officers in this matter, which relate to allegations of excessive use of force, stolen property, failure to obtain medical treatment, disputed arrest, unlawful stops, improper search and which relate to the making of false statements, be provided no later than **September 30, 2014**; 2) that all Civilian Complaint Review Board files relating to the defendant officers in this matter, which relate to allegations of excessive use of force, stolen property, failure to obtain medical treatment, disputed arrest, unlawful stops, improper search and which relate to the making of false statements, be provided no later than **September 22, 2014**.

SO ORDERED.

Dated: New York, New York
September 15, 2014

ROANNE L. MANN, U.S.M.J.